

Resolution No.:	<u>16-1477</u>
Introduced:	<u>July 27, 2010</u>
Adopted:	<u>July 27, 2010</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Qualification for Ballot of Petitioned Amendment to County Charter

Background

- (1) §5 of Article XI-A of the Maryland Constitution provides that amendments to the Charter of Montgomery County may be proposed by a petition signed by at least 10,000 registered voters of the County and filed with the President of the County Council. §7-102(c)(3)(ii) of the Elections Article of the Maryland Code provides that an amendment to the Charter will qualify to be placed on the general election ballot if the governing body of the County determines that the petition that submitted the amendment has satisfied all requirements of law relating to petitions initiating Charter amendments.
- (2) Although the Elections Article of the Maryland Code does not define the term “governing body”, the County Council interprets that term, consistent with other state laws and court decisions interpreting them, to mean the County Council and County Executive acting jointly.
- (3) Under §7-103(c)(3)(i) of the Elections Article of the Maryland Code, proposed Charter amendments must be certified to the County Board of Elections on or before the third Monday in August in the year of a general or Congressional election at which those Charter amendments will be submitted to the voters. §16-16 of the County Code provides that a ballot title or summary, prepared by the County Council, of all proposed Charter amendments must appear in print on the voting machine or ballot. A separate resolution, adopted by the County Council concurrently with this resolution, contains those ballot titles.
- (4) A petition to amend Sections 105 and 202 of the Charter has been circulated and may be filed with the County Board of Elections. The Board of Elections has not determined whether the petition has the required number of signatures to qualify for inclusion on the 2010 general election ballot.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council finds, as required by Section 7-102(c)(3)(ii) of the Elections Article of the Maryland Code, that the following amendment to the County Charter proposed by petition will have met all requirements of state law and thus qualify for inclusion on the 2010 general election ballot if the County Board of Elections finds that a sufficient number of valid petition signatures have been submitted and the petition otherwise appears to have satisfied all requirements of law:

Term Limits – County Council and County Executive

By petition the voters of Montgomery County propose to amend Sections 105 and 202 of the Charter of Montgomery County as follows:

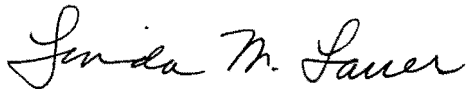
SECTION 105 Term of Office

Members of the Council shall hold office for a term beginning at noon on the first Monday of December next following the regular election for the Council and ending at noon on the first Monday of December in the fourth year thereafter. In no case shall a Council Member be permitted to serve more than three consecutive terms. Any member of Council who will have served three or more consecutive terms at noon on the first Monday of December 2014 shall be prohibited from commencing to serve a successive term of office at that time.

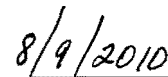
SECTION 202 Election and Term of Office

The County Executive shall be elected by the qualified voters of the entire County at the same time as the Council and shall serve for a term of office commencing at noon on the first Monday of December next following the election, and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor shall have qualified. In no case shall a County Executive be permitted to serve more than three consecutive terms. Any County Executive who will have served three or more consecutive terms at noon on the first Monday of December 2014 shall be prohibited from commencing to serve a successive term of office at that time.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

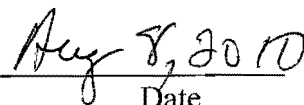


Date

Approved:



Isiah Leggett, County Executive



Date